

# **EXHIBIT 2**

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**MICAH FIALKA-FELDMAN,**

Plaintiff,

Case Number 08-CV-14922  
Hon. Patrick J. Duggan

v.

**OAKLAND UNIVERSITY BOARD  
OF TRUSTEES, GARY D. RUSSI, MARY BETH  
SNYDER, and LIONEL MATEN, in their  
official capacities,**

Defendants.

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**AFFIDAVIT OF DEBORAH O. MIDDLEBROOK**

STATE OF MICHIGAN        )  
                                  ) ss  
COUNTY OF OAKLAND        )

I, Deborah O. Middlebrook, state under oath that the following is true:

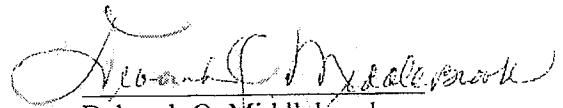
1. I have personal knowledge of the facts in this Affidavit and, if sworn as a witness in this matter, I can competently testify to the facts stated herein.
2. I am currently employed by Oakland University as its Interim Director of University Housing and have been so since June 2009.
3. I reviewed the affidavit of Sharon Howell submitted with Plaintiff's Motion for Substitution of Defendant, Summary Judgment and Permanent Injunction. The University does not provide housing for a "residential journalism program."
4. The only "special programs" during which individuals would live in on-campus housing are summer camp programs which utilize unused floors/space in OU's dorms typically

for one week or less during the summer when not being used as part of the regular academic program and students enrolled in degree-granting programs at other institutions with which OU has a reciprocity agreement.

5. Campers do not deprive regular enrolled students pursuing degrees of dorm space, do not occupy space on the same floors as regular enrolled students, and do not execute the University's housing contract.

6. The University's housing contract is reviewed and subject to modification annually and has been so modified at least three of the last five years.

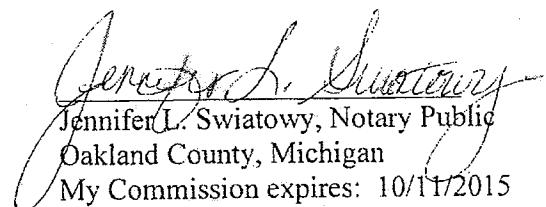
Further affiant saith not.



Deborah O. Middlebrook  
Interim Director of University Housing

STATE OF MICHIGAN      )  
                                  )ss  
COUNTY OF OAKLAND      )

The signatory is known to me and acknowledged the foregoing instrument this 7th day of December, 2009.



Jennifer L. Swiatowy  
Jennifer L. Swiatowy, Notary Public  
Oakland County, Michigan  
My Commission expires: 10/11/2015